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Secrt. II-27—100,006—21-8-48.

PUBLIC (SERVICES C)(1949) Department.

M/S SERIES.

G.O. No.	2951
Dated	31.8.1949

[Despatch Abstract.]

Subject:- Legislative Assembly Question - Government Servants' Conduct Rules - Influencing superior authorities for furtherance of interest through Members of the Legislature - Issue of Instructions - Papers Recorded.

(I)

*38 Q:- MUHAMMAD RAZA KHAN SAHIB: Will the Hon. The Premier be pleased to state whether it is a fact that this Government have recently issued a warning to their officials and subordinates that their promotions would be stopped either permanently or temporarily if they were to send representations through M.L.A.s or M.L.C.s to secure promotions or for redressing grievances?

THE HON. SRI B. GOPALA REDDI: (on behalf of the Hon. the Premier):- "The answer is in the affirmative."

MUHAMMAD RAZA KHAN SAHIB: "Is it a fact that only very recently this communique was issued and if so, what were the immediate reasons for the issue of such a communique?"

THE HON. SRI B. GOPALA REDDI: "There is nothing new about it. It is only an amplification of rule 26 of the Government servants' Conduct Rules."

BEGUM SULTAN MIR AMIRUDDIN: "Does this new rule imply that if a legislator on his or her own accord draws the attention of the Government to the need for the application of some equitable principle to the services, will the person or persons that will be benefited by such a principle be victimized on that account, although he had not made any representation to the legislator?"

THE HON. SR B. GOPALA REDDI: "If it is felt that the officer is himself responsible for the interpellation or for any public comments and thinks like that, then only he will be responsible. In that case he will have to prove his innocence that he is not responsible for what is done by others and he will be quite safe."

II.

ABDUL HAMEED KHAN SAHIB BAHADUR: "On this question, Sir, may I request you to give your deep consideration, though you may not give your ruling, whether this order does not infringe on the rights and privileges of the Members of this House, because you will see that it is not only the officers who are asked to conduct themselves one way or the other, but the order says that they should not take matters up to the Members of the Legislature. So far as I can see, we are here representing all the people without any exception, but this order of the Government seeks to make an exception with regard to the citizens who are serving the Government. They are as much citizens as anybody else and we, as legislators, have got the right to represent the greivances of all people, including officials. My hon. Friend, the Hon. Leader of the House, or perhaps the Hon. Premier, has issued this communique stating that Government officers should conduct themselves in a certain way according to them, but they are prevented from representing this grievances through M.L.A.s or M.L.C.s Does it not mean that the M.L.A.s or M.L.C.s are not trusted to represent the grievances of even officers? For instance, there may be cases where the Ministers themselves might treat the officers rather in a manner which needs consideration by the Members of this House.

MR. SPEAKER: "May I inform the hon. Member that the Government have a right to make rules for their own services?"

ABDUL HAMEED KHAN SAHIB BAHADUR: "My submission is that it is not only the Government servants that are involved in this, but it is also the M.L.A.s and M.L.C.s. Does not this order say that the servants of the Government have no business to meet M.L.A.S. or M.L.Cs or represent their grievances? To that extent we are prevented from expressing their

grevances or taking up questions in this House on behalf of the services."

THE HON. SRI B. GOPALA REDDI: "While it is certainly open to legislators and other public men also to take up general questions regarding service conditions of the Government servants, specific and particular individual grievances should not be brought about through legislators. Rule 26 of the Government Servants' Conduct Rules is very clear in this matter. It says:

'No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority for the furtherance of his interests. The penalty for a contravention of this rule shall be the withholding of promotion from him either permanently or for such period as the competent authority may determine.'

'Explanation:- A Government servant causing his own case to be made the subject of an interpellation in the Central or Provincial Legislature contravenes this rule.'

'That is the old standing rule and what was done recently was only an amplification of that old rule.' "

III.

ABDUL HAMEED KHAN SAHIB BAHADUR: "I would request you, Sir, to visualize hard cases and though there may be invidual cases, they may be cases involving certain principles ---

MR. SPEAKER: "Hon. Members should know that in every Government it is the case. Even in England individual grievances should not be represented through the Lwgislature, but there are other proper ways of redressing their grievances."

M. MUHAMMAD ISMAIL SAHIB BAHADUR: "I beg to submit, Sir, that the Government servants also are as much citizens as others, because they are also given a voice in electing Members of this House. That is the first point. Then secondly, it is through this House that the Members have to voice forth the grievances they are in possession of. Now, the rule may be there ---"

MR. SPEAKER: "General grievances can be voiced by Members. The point here is, Government servants should not bring their grievances through the hon. Members."

M. MUHAMMAD ISMAIL SAHIB BAHADUR: "The rule may be there, but I am contesting the correctness of the rule itself. The rule has no doubt been made by the Government. It may be right or it may be wrong."

MR. SPEAKER: "This Government is merely following the rule made by the previous Government."

M. MUHAMMAD ISMAIL SAHIB BAHADUR: "But that does not mean that the rule is right. We are now discussing the correctness or otherwise of the rule itself. It really infringes even the rights of Members, because this rule speaks of questions being put in the Assembly. It does not speak of the Government servants putting certain things before the Members of the House so that they may go th and speak to other higher officials, but it refers to questions put by Members. . . ."

MR. SPEAKER: "If it is a question of individual grievance I do not allow such a question. In this matter, I am following the other Legislatures including the House of Commons."

M. MUHAMMAD ISMAIL SAHIB BAHADUR: "Individual cases there may be, but they may be typical of a number of instances. For instance, such individual cases may represent a class of people or the nature of certain actions. Even in such cases if Members are not entitled to bring them before the House, I think, it is a clear case of infringement of the rights of Members of the House. In a way the question is put openly and there is nothing clandestine or secret about it and why should the Government deny us that right?"

ABDUL HAMEED KHAN SAHIB BAHADUR: "May I submit for your consideration, Sir, that there are cases which come to our notice of not only Ministers but even some of the officers taking a different views of promotions of officers and dismisal of officers and about various other things? Suppose an officer or Minister promotes a relation of his over and above a person who is not his relation?"

MR. SPEAKER: "The aggrieved person has the proper channel for redressing his grievances."

ABDUL HAMEED KHAN SAHIB BAHADUR: "But, If I come to know about the matter, am I prevented from bringing it to the notice of the House?"

MR. SPEAKER: "The point is, the particular Government servant concerned should prove to the satisfaction of the Government that he is not responsible for the question if it comes to that. But, there is no objection to any hon. Members putting a question on his own accord. Government servants should not go to Members of the Legislative Assembly or Members of the Legislative Council and ask them to put interpellations in the House. That is the order. If hon. Members want any further information I can allow half-hour debate. But, since this is the question hour, let them not take any more time on this matter."

MOHAMMAD ABDUL SALEM SAHIB BAHADUR: Is it not a fact that Members of the party in power have infringed this rule more than the other Members of this House?"

THE HON. SRI B. GOPALA REDDI: "I have no information."

SRI N.S. VARADACHARI: "I just wish to say this, that while I generally agree it is a very salutary principle that no Members of the Legislative Assembly or Member of the Legislative Council should take direct cognizance of the case of a Government servant either for promotion or for transfer. I would respectfully point out that once a man has been sent out of the service and all appeals have proved to be in vain and if a Member of

the Legislative Assembly or Member of the Legislative Council is convinced of the wrongness of the case and is prepared to put his reasons down in writing and ask the Government for a reconsideration of the entire case on its merits, the Government should not quota this rule and debar him from getting justice. That is all I wish to say on this, Sir, because this is a well-known principle accepted by other Governments. For instance, if I interfered in the middle of the case . . . ."

THE HON. SRI B. GOPALA REDDI: "When once he is actually sent out, he is not more a Government servant and so does not come under rule 26. If, on the other hand, he is on pension or it is a case of preparatory to retirement, it does not matter if he takes up the case through a Member of the Legislative Assembly."

SRI PYDAH VENKATANARAYANA: "May I know whether the officials concerned could send their representations to the concerned Minister through other Ministers?"

THE HON. SRI B. GOPALA REDDI: "No, Sir."

SRIMATHI RUKMANI LAKSHMIPATHI: "If an injustice is done in the case of a particular individual and if it becomes a question of policy, has this House got a right to discuss it?"

THE HON. SRI B. GOPALA REDDI: "It will be very difficult in indivual and if it cases. Suppose a Member asks me, why a particular Sub-Inspector is superseded or why he is dismissed and sent out, all the relevant data cannot be given on the Floor of the House and it will be difficult for the Government to answer it either. That apart, It is not desirable that the Sub-Inspector concerned should utilize his friendship with a particular Member or a public man and try to get his case interpellated in this House. That is all what I want to say now."

ABDUL HAMEED KHAN SAHIB BAHADUR: "May I know whether it is not advisable that the rule which they want to apply to Members of this House should also be followed by them?"

SRI M. KANNIYAPPAN: "Questioned in Tamil
Answered in Tamil

THE HON. SRI B. GOPALA REDDI: "There is no difference in this House between representatives of labour or the representatives of ~~labour or the represen~~ zamindars. All have equal status in this House."

SIR V. RAGHAVAYYA: "I have absolutely no objection to such a rule being strictly followed and the Ministers note down the names of Members of the Legislative Assembly or Council coming to them for this promotion or that transfer. I will be the first man to recommend it. But may I know whether the Hon. Minister meant it seriously and if so, honestly?"

SRI M.S. PATTABHIRAMIAH: "Sir, Is not this warning a measure to emphasise and enforce discipline among the Government servants? Does it reflect anything on the capability or the privileges of Members of either House? I hope the Hon. Finance Minister will assure the House that it does not in any way infringe on the privileges of the Members of this House."

THE HON. SRI B. GOPALA REDDI: "It is only

want to enforce discipline among the Government servants that they should not at a psychological moment try to put political pressure on Ministers or departmental heads."

SRI D.V. RAMASWAMI: "I want to ask the Hon. Leader of the House definitely whether this rule applies only to interpellations or any official representation to any Hon. Minister directly?"

THE HON. SRI B. GOPALA REDDI: "It does not relate only to interpellations, but it means any political pressure brought to bear on departmental or executive heads."

MR. SPEAKER: "If it is a question of individual grievance, it is the Speaker that disallows such a question."

MOHAMMAD ABDUL SALAM SAHIB BAHADUR: "Instead of informing the Government servants that they should not go to the Members of the Legislative Assembly or Council, would it not have been better for the Government to inform the Members of the Legislature not to do the work in future?"

THE HON. SRI B. GOPALA REDDI: "Members of the Legislative Assembly and Council will certainly take care of themselves. But, in the case of Government servants, it is upt to us to point out to them the ea rules that exist in the Government servants' Conduct Rules."

ABDUL HAMEED KHAN SAHIB BAHADUR: "May I know what exactly my hon. Friend means by saying 'political pressure'?"

THE HON. SRI B. GOPALA REDDI: "Suppose a Sub-Inspector is transferred and if the Muslim League or the Congress or the Hindu M Mahasabha passes resolutions protesting against such a transfer, it will be called 'political pressure'."

ABDUL HAMEED KHAN SAHIB BAHADUR: "May I ask, whether the Hon. Minister is so weak as to be oppressed and give a decision against his own conscience and be influenced so easily by a Member of this House making a representation to him?"

THE HON. SRI B. GOPALA REDDI: "It will be very difficult to resist good friends like my hon. Friend, Mr. Hameed Khan, coming and representing at a very psychological moment." (Laughter.)

SRI T. VISWANATHAM: "As I understand these questionsan andwers, it looks as if the Members of this Legislature are debarred from making representations to secure promotion or for redressing grievances of Government officers. Have we got a right to make a complaint agains the Government officers to the Ministers?" (Laughter.)

THE HON. SRI B. GOPALA REDDI: "They have got every right to complain against any vagaries of officers to the Ministers."

SRI T. VISWANATHAM: "When we have got a right to complain against them, may I know why we have not got an equal right also to speak for them?"

THE HON. SRI B. GOPALA REDDI: "No, Sir."

SRI G. RAJAMANNAR CHETTY: "As the Members of this House who represent Labour constituencies have to perform their duties to their constituencies where the Government employees are also labourers will the Government consider the desirability of exempting them from the operation of this rule?"

THE HON. SRI B. GOPALA REDDI: "Members of the Assembly can certainly champion the cause of labour, and try to improve their condition but individual cases are not desirable to be championed by them."

MUHAMMAD RAZA KHAN SAHIB: "May I ask as to how this rule is applicable in the case of higher officials of the Madras Government who may like to have direct contact with the Ministers and put up their case? Are they allowed to do so or are they asked to put up their case only through the Chief Secretary of the Government?"

THE HON. SRI B. GOPALA REDDI: "If it is felt "Departmental heads have access to the Ministers. People who wish to see the Ministers must vet the permission of departmental heads."

SRI R.V. SWAMINATHAN: "May I know, what will happen to a particular officer if he is the subject of interpellation in this House?"

THE HON. SRI B. GOPALA REDDI: "If it is felt that the officer is responsible for the interpellation, then certainly action will be taken against him but if it is felt that he is not responsible for it, he would not be taken to taks."

ABDUL HAMEED KHAN SAHIB BAHADUR: "May I know whether action will be taken on a feeling or on the basis of information?"

THE HON. SRI B. GOPALA REDDI: "We cannot get direct information. Circumstantial evidence will be there."

SRI T. VISWANATHAM: "May I know, having debarred Members of the Legislative Assembly from making any representation on behalf of Government officers, whether the Government would also debar the brother or brother-in-law or other relations of a Member of the Legislative Assembly from making representation?"

THE HON. SRI B. GOPALA REDDI: "Any political pressure is undesirable whether it is from a Member of the Legislative Assembly or from anybody."

SRI P. KAKKAN: " (Question in tamil) X X X

THE HON.SRI B. GOPALA REDDI: "There is nothing wrong in pleading the cause of backward communites or Harijans or any other community in a general sense. They can certainly plead for greater representation in the Police and other executive branches. But this question relates to individual cases."

Sri M. KANNIYAPPAN:" (Question in tamil) X X X

MR. SPEAKER: " X (Answer in tamil) X X

H.S. HUSSAIN SAHIB BAHADUR: "As the Government generally see no reason to interfere with the order of the

departmental head, should it not be open to the Government servant concerned to bring to the notice of the Minister concerned or the Government the cases of hardship and injustice by any other means?"

THE HON. SRI B. GOPALA REDDI: "He can apply to the departmental head for an interview with the Minister."

SRI D. V. RAMASWAMI: "Is the 'pressure' referred to by the Hon. Minister confined to political sphere or does it extend to social, economic and moral spheres also?"

THE HON. SRI B. GOPALA REDDI: "The wording is like this: 'to bring any political or other outside influence'. Under 'outside influence' comes social, economic and moral pressures also."

/True copy/

Please see the printed proceedings of the Levislative Assembly at pp. 9-16 c.f. The papers may now be redorded in a G.O. for facility of future reference.

G.O. Ms. No. 2951, dated 31.8.49.

Legislative Assembly Question - Government Servants' Conduct Rules - Influencing superior authorities for furtherance of interests ~~This~~ Member of Legislature - Issue of instructions - Papers recorded.

(Sd) x x
Secretary to Government.

/True copy/

Office Assistant,
Madras Record Office.

mr. 17.8.